

Township of Huron-Kinloss

Comprehensive Review of the Zoning By-law

Frequently Asked Questions

What is a Zoning By-law?

Zoning By-laws are legal documents that divide the Township into different land use zones. Zoning By-laws specify permitted uses (e.g. commercial or residential) and required standards (building size and location). They provide a legal way of managing land use and future development and can protect you from conflicting and possibly dangerous land uses in your community.

What will be the result of Zoning By-law review?

A new Zoning By-law for the entire Township will be created. The new Zoning By-law may change various land use permissions and regulations that currently exist for some lands. A new Zoning By-law may also include a zone change for various lands to implement the new Official Plan.

Why is new zoning necessary?

The new zoning is intended to implement the policies of the Township's new Official Plan and guide the use of land, buildings and structures. Without the proposed changes to zoning, new development in the existing zoning framework may not achieve the intent of the new Official Plan.

How does the Township enforce and implement its zoning by-law?

When an individual applies for a building permit, Township staff is required to ensure that the proposed use, building or structure complies with the Zoning By-law. If the proposed use, building or structure does not comply with the Zoning By-law, the building permit cannot be issued.

How may the new zoning by-law affect landowners?

The new zoning by-law may have one of three effects:

1. The existing zones and/or special provisions are renamed or reclassified such that it is administrative in nature and does not impact existing zoning permissions or regulations;
2. The change in zoning allows for additional uses and built forms that are currently not permitted by the existing zoning by-law; or,
3. Uses and built forms that are currently permitted under the existing zoning by-law may no longer be permitted.

When the new zoning by-law results in a legally existing use no longer being permitted, these uses and/or buildings may be considered to be legal non-conforming (see explanation below).



What is legal non-conforming?

Legal non-conforming status is applied to legally existing land, buildings, and uses that do not comply with the new zoning.

Legal non-conforming land, buildings, and uses will continue to be permitted, provided that the land owner does not change the use of the property/building or location of the building(s). If new buildings, additions to existing buildings or a change in use is proposed, the new zoning requirements would apply. In the long term, the intent is that all legal non-conforming uses will convert to the uses permitted in the Zoning By-Law and thus implement the vision of the Township's Official Plan.

What happens if my property's current zoning is changed and deemed legal non-conforming?

The proposed new zoning has no effect on the continued use of any property. If and when the proposed new zoning comes into effect there will be no change to the requirements imposed and you can continue living in your home and/or operating your business without any implications. It will be business-as-usual. The zoning requirements will only apply to new development or change in use of the property.

In other words, when the By-law takes effect there is no practical change to the way the land can be used. You will not be required to comply with the new zoning. Anything that legally exists at the time the by-law is passed can continue without any changes as of right. Nothing happens and the regulations of the by-law do not apply until such time as you or a future owner change the use or propose to build something.

Does legal non-conforming status carry to the next owner?

Yes. Legal Non-conforming Status applies to the land, the building and the use, not the owner. If you were to sell your property or business, the legal non-conforming status would extend to subsequent owners, provided that the use or building does not change. Legal non-conforming status only lapses if the use ceases for an extended period of time.

What is the Environmental Protection (EP) zone, and what are the implications?

The EP zone consists of natural heritage features and hazardous lands, which could include woodlands, wetlands, drainage features, steep slopes and floodplains. The mapping of the features have been compiled from sources such as the Conservation Authorities and Bruce County, then combined together into the EP mapping shown in the Zoning By-law.

The EP zone permits a limited range of uses, including existing agricultural uses, forestry, conservation uses, and outdoor recreation / park (without any permanent buildings). Existing uses would be recognized as legal-non conforming uses.

Within the EP zone, landowners may need to get a permit from the Conservation Authority in order to construct a building. The Township and applicable Conservation Authority are permitted to make minor site-specific changes to the EP zone without amendment to the By-law.



What is the AG4 (Agricultural Rural) zone and can I still farm within the zone?

The AG4 zone maps areas of the Township that are of a lower soil quality in comparison to other agricultural lands. The delineation of these areas comes from the Bruce County Official Plan, and the related agricultural lands study that was completed by the County.

The permitted uses and regulations that apply within the AG4 zone are nearly identical to those within the AG1 (General Agriculture) zone, with the most notable exception being a reduction in minimum lot area from 37 ha to 20 ha.

What impact may the new zoning by-law have on the value of my property and/or my property taxes?

The zoning of properties has little to no impact on the assessed value of properties. The Municipal Property Assessment Corporation (MPAC) assesses the value of properties based on as many as 200 different factors. Five major factors usually account for 85% of a property's value including location, lot size/dimensions, living area, age of the house and, quality of construction. More information on MPAC's property assessment valuation process can be obtained by visiting:

<https://www.mpac.ca/PropertyOwners/MPACsRole/ResidentialPropertyAssessment>.

Property taxes are not calculated based on the market value but rather the assessed value of the property. The market value of a property depends on a host of factors including the state of the economy and the individual purchaser's preferences.

What if I don't want the new zoning to apply to my property?

The new zoning being presented at this time is proposed and has not been finalized. Staff welcomes all input on the proposed new zoning by-law and will review all comments received prior to making a final recommendation to Council.

Any person who makes oral submissions at a public meeting held as part of a Council meeting or makes a written submission prior to approval/refusal of the new zoning by-law has appeal rights under the *Planning Act*. The appeal must be filed no later than 20 days after notice of passing of the by-law by Township Council. If you wish to receive notice of the decision of Council, you must request notification by contacting staff, registering at and attending a meeting, or submitting written comments.

Additional Questions or Comments?

Additional Information is available on the Township's website:

<http://huronkinloss.com/2017zoningby-lawreview.cfm>

Comments and questions can be emailed to:

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